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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,558	12/08/2000	Michael E. Miller	79556BPRC	3312

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Patent Legal Staff  
Eastman Kodak Company  
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Rochester, NY 14650-2201

EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/732,558

Applicant(s)

MILLER ET AL.

Examiner

Jerome Grant II

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-30, 41 and 42 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 31-40 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 11-13, 15-17, 36, 37, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Burns.

With respect to claim 1, Burns teaches a method of customizing a digital image device 126, shown by figure 1, for at least one particular user by storing at least one firmware component in a programmable memory ( col. 5, lines 42-45) of the digital imaging device (computer memory is inherently re-readable). The firmware component is contrast and rotation parameters taught at col. 7, lines 7-10.

Burns further teaches providing customizing software (software implementation according to col. 7, lines 30-35, which can access a plurality of firmware components 9contrast and rotation) providing different image appearances, the software producing a plurality of images (col. 5, lines 26-32) of the same scene having a corresponding

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plurality of different appearances. Burns teaches the user selecting one of the plurality of images (via keyboard 114 and mouse 116) having a preferred appearance to cause the customization software (taught at col. 7, lines 30-35) to access the corresponding firmware components (contrast and rotation). Burns teaches providing the selected corresponding firmware components to the digital imaging device (126) and programming the programmable memory of the digital image device to store the corresponding firmware components, see col. 5, lines 42-45 thereby customize the digital imaging device 126.

With respect to claim 2, Burns teaches wherein the firmware component is provided by a plurality of parameters for image processing operations (contrast and rotation according to col. 7, lines 7-10).

With respect to claim 3, Burns teaches wherein the customization software (computer program) is provided external (hard disk) to the digital imaging device 126.

With respect to claim 4, Burns teaches customization software is provided on a computer program product, see col. 5, lines 42-45.

With respect to claim 5, Burns teaches the customization software is provided by a network service provider (WAN 52 shown by figure 12) which is to be stored in a system memory 22.

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With respect to claim 6, Burns includes a host computer to select the preferred image. The elements 102, 104, 108, 114, 116, 118 and 120 make a host computer. See also col. 4, line 65 to col. 5, line 5.

With respect to claim 7, it is inherent within the Burns teaching to put the computer system shown by figure 1 in a retail establishment where there are objects for scanning.

With respect to claim 8, see the digital camera 126 as the imaging means. See also col. 5, lines 10-15.

With respect to claim 11, Burns teaches a digital device, such as unit 126, includes a processor 102, and wherein the firmware components (contrast and rotation) can be executed by the processor to control the operation of the digital imaging device.

With respect to claim 12, Burns teaches a digital device that is a computer (see elements 102, 104, 108, 114, 116, 118 and 120), see also col. 4, lines 65- col. 5, line 5.

With respect to claim 13, the computer program product has the customization software (implementation according to col. 7, lines 30-35) storing thereon for performing the method according to claim 1. Information is stored in hard disk 120 of the computer.

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With respect to claim 15, see col. 7, lines 6-10 of the Burns reference.

With respect to claim 16, the color balance correction is referred to at col. 3, line 36.

With respect to claim 17, see device 118.

With respect to claim 36, Burns teaches an imaging device for at least one particular user by storing image processing settings in a programmable memory (disk memory 120) of the digital device comprising: Burns further teaches providing customizing software (software implementation according to col. 7, lines 30-35, which can access a plurality of firmware components 9contrast and rotation) providing different image appearances, the software producing a plurality of images (col. 5, lines 26-32) of the same scene having a corresponding plurality of different appearances. Burns teaches the user selecting one of the plurality of images (via keyboard 114 and mouse 116) having a preferred appearance to cause the customization software (taught at col. 7, lines 30-35) to access the corresponding firmware components (contrast and rotation). Burns teaches customization software determining at least one parameter setting (contrast and rotation) corresponding to the selected image. See col. 7, lines 7-10. Burns teaches providing the at least one parameter setting to a controller 102 to the digital imaging device 126 and programming the memory of the digital imaging device to store the at least one parameter setting to thereby customize the digital device.

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With respect to claim 37, Burns teaches imaging device 126 for customizing different uses for different users. It is also inherent that plural users can set respectively contrast and rotation parameters in the electronic memory according to col. 5, line 22.

With respect to claim 39, see camera 126 of Burns.

With respect to claim 40, the customized software (software implementation) is taught according to col. 7, lines 30-35. Data is stored according to col. 5, lines 42-45.

2.

Claims 9, 10, 14, 18, 31-35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns in view of Parulski.

With respect to claim 9, Burns teaches all of the subject matter upon which the claim depends except for a film scanner.

The film scanner is at least suggested in view of col. 5, lines 10-15.

However, Parulski teaches a scanner 12 for reading a film 10, as shown by figure 1.

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Since, Burns and Parulski are both directed to the art of image scanning, the purpose of using a scanner for reading a film would have been recognized by Burns as set forth by Parulski.

It would have been obvious to one of ordinary skill in the art to replace camera 126 of the film scanner for extracting image data from a film to be processed as other scan data as clearly taught by figure 1 of Parulski.

With respect to claim 14, at paragraph 217 of the Burns reference, it clearly addressed contrast and brightness correction of the captured image but is silent toward sharpness.

However, Parulski teaches sharpness adjustments for a plurality of images as discussed at col. 3, lines 20-38.

Therefore, since Burns and Parulski are both directed toward image capturing and enhancement, the purpose of enhancing sharpness of an image would have been recognized by Burns as set forth by Parulski.

It would have been obvious to one of ordinary skill in the art to modify the algorithm for facilitating the contrast and brightness features so that in addition, the sharpness components can be corrected in a manner discussed by Parulski.



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With respect to claims 10 and 18, Burns teaches all of the subject matter upon which the claim depends. What is not taught by Burns is printing a plurality of images of the same scene.

Parulski teaches a thermal printer 24 for printing a plurality of images (wherein the multiple print mode) of a same scene (or image).

It would have been obvious to one of ordinary skill in the art to modify the circuit shown by figure 1, so that from the CPU 102 a signal is sent to a print driver/printer device to store and print data input thereto from memory 108 under the control of CPU 102, for the purpose of making multiple prints of the same scene and or using a printing device to print scanned images.

With respect to claim 31, Burns teaches a method of customizing a digital image device 126, shown by figure 1, for at least one particular user by storing at least one firmware component in a programmable memory (col. 5, lines 42-45) of the digital imaging device (computer memory is inherently re-readable). The firmware component is contrast and rotation parameters taught at col. 7, lines 7-10.

Burns further teaches providing customizing software (software implementation according to col. 7, lines 30-35, which can access a plurality of firmware components 9contrast and rotation) providing different image appearances, the software producing a

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plurality of images (col. 5, lines 26-32) of the same scene having a corresponding plurality of different appearances. With respect to limitation b) Burns teaches a Window user graphic interface which inherently displays rotation and contrast information with respect to the image being processed. Burns teaches the user selecting one of the plurality of images (via keyboard 114 and mouse 116) having a preferred appearance to cause the customization software (taught at col. 7, lines 30-35) to access the corresponding firmware components (contrast and rotation).

What is not specifically shown by Burns is displaying digital images of the subject remote from the digital image device.

Parulski, on the other hand, shows a remote control shown by figure 1 for controlling the display of plural images shown in figure 2.

Since, Burns and Parulski are both directed toward displaying a plurality of images, the purpose of displaying the images remotely would have been recognized by Burns as set forth by Parulski.

It would have been obvious to send images across a network or line so that the images are displayed in a location remote from the digital imaging device as clearly taught by Parulski (see figure 1).

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With respect to claim 32, Burns teaches the digital imaging device 126 and reprogramming the programmable memory (storing new rotation and contrast parameters) of the digital imaging device for customizing digital images. See also

With respect to claims 33 and 38, see printer 24 of Parulski.

With respect to claim 34, see camera 126 of Burns

With respect to claim 35, at least one computer program (computer system 100) is a product having the customization software (col. 7, lines 30-35).

3.

### **Claims Objected**

Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4.

### **Claims Allowed**

Claims 21-30 are allowed for the reason the prior art does not teach in claimed combination, "providing a default setting that can be used to control the at least one image processing operation...."

Claims 41 and 42 are allowed for the reason the combination of limitations provided in paragraphs a and b are not shown in claimed combination with the other limitations in view of the art.

### **Examiner's Remarks**

**Applicant argues that Burns has not thing to do with customizing a video camera. Applicant's claim is directed toward a device which allows for customizing of software. The examiner submits that Burns teaches a digital image device where a video camera 126 is connected to a computer. Col. 4, lines 45-52 indicates that the general purpose computer is programmable for storing data and instructions known in the art (line 59). Moreover, a graphic user interface is used to input selected user input data. Hence, the computer and camera apparatus is customizable.**

**Paragraph 5 of page 3 argues that Burns does not have firmware components stored in the camera 126. To the contrary, Burns teaches firmware components stored in a programmable memory and that the firmware components are contrast and rotation.**

**Applicant argues that claim 36 is allowed for the same reasons as claims 1 and 2 are allowed, namely there is no customizing of the imaging device. However, see the first paragraph in the Examiner's Remarks which address this argument.**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 308-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II

JEROME GRANT II  
PRIMARY EXAMINER